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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

LEBANON

[12 May 1993]

Introduction

1. The delays of the Government of Lebanon in submitting the periodic reports required by the various international human rights instruments can be attributed to special circumstances. Lebanon is recovering from a 16-year period of intermittent armed conflict in which civil servants frequently risked their lives in order to go to work, and as a result had to confine themselves to the most urgent tasks.

2. For the same reasons, the human resources to collect and analyse the statistics and information required to prepare such reports have been in short supply in the Lebanese administration.

3. It should also be noted that part of Lebanese territory is still occupied by the Israeli army, despite Security Council resolution 425 (1978), and that negotiations for the implementation of the resolution have still not succeeded.

4. As a result of these unfavourable overall circumstances, this report is far from perfect. Accordingly, the Government of Lebanon requests the Committee on Economic, Social and Cultural Rights to consider the report as a token of good faith and the promise of fuller reports at a later date, as well as a reflection of real progress in achieving the rights set out in the Covenant.

PART 1

A. LAND AND PEOPLE

5. There are no official statistics and the population of Lebanon is estimated at slightly over 3 million, on a territory of 10,452 sq. km.

6. Annual per capita income is estimated at US$ 2,150. In the absence of accurate accounts, gross national product is estimated to be US$ 6.2 billion.

7. In 1981, the annual rate of inflation was 32.95 per cent. From 1984 Lebanon experienced rampant inflation which peaked in October 1992. In 1984 one United States dollar was worth 6.5 Lebanese pounds. In 1992 it averaged LL1,700, and reached a maximum of LL2,600 or LL2,700 (1992 inflation rate, 130 per cent). However, the national currency recovered considerably after the present Government was formed (21 October 1992). Since then it has remained remarkably stable (prices fell by 2 per cent in the first quarter of 1993).

8. The external debt was US$ 520 million in 1980 (World Development Report, 1992, World Bank) and the domestic debt was US$ 2 billion 290 million (Quarterly Economic Report, first quarter 1992, Bank Audi - Lebanon).

9. In 1988, the rate of unemployment was estimated at 23 per cent, i.e. 38 per cent among men and 9 per cent among women (statistics of the League of Arab States and ESCWA, 1989).

10. The adult literacy rate is approximately 80.1 per cent (87.8 per cent among men and 73.1 per cent among women, UNESCO 1991).

11. Lebanese belong to one or another of the country's officially recognized religious communities. The size of each community is reflected in the number of seats to which each is entitled in the Chamber of Deputies, under the current Electoral Act (Act No. 154 of 22 July 1992). The 128 seats in Parliament are distributed as follows:

Muslims

Sunnites	27
Shiites	27
Druzes	8
Alawites	2

Christians

Maronites	34
Greek Catholics (Melkites)	8
Greek Orthodox	14
Evangelicals	1
Armenian Catholics	1
Armenian Orthodox	5
Minorities	1
Total	128 seats

12. The mother tongue of the Lebanese is Arabic, which is also the official language. However, French and English are also taught in schools.

13. According to 1986 statistics (UNICEF, 1988), average life expectancy at birth is 67; 65 for men and 69 for women.

14. The mortality rate among children under 5 was 43 per 1,000 in 1990. The rate appears to have declined this year. The infant mortality rate is 38 per 1,000 (UNICEF, Beirut).

15. The maternal mortality rate was 200 per 100,000 live births in 1988 (Human Development Report, 1989, UNDP).

16. Fecundity (average number of children per woman) was 3.7 (UNICEF, Beirut, 1990).

17. In 1988, 42.6 per cent of the population were under 15 years of age; 52.3 per cent were between 15 and 64 and 5.1 per cent were over 65 (League of Arab States statistics, ESCWA); a total of 84 per cent of the population is urban, and 16 per cent rural (1990 statistics, UNDP, 1992).

18. In 1988-1990 women made up 27.2 per cent of the total labour force (1992, UNDP).

B. GENERAL POLITICAL STRUCTURE

19. Following the collapse of the Ottoman Empire in 1918, Lebanon was placed under French mandate by the League of Nations ("A" mandate). In 1926, it adopted a republican, parliamentary constitution. It acceded to independence in 1943.

20. Lebanon is a founder member of the League of Arab States and of the United Nations. In 1949, it signed a general armistice with Israel under the aegis of the United Nations and pursuant to a decision of the Security Council. In 1958 it experienced its first domestic crisis as a

result of regional developments which began with the Suez war in 1956. It recovered rapidly and resumed its economic development. However, it was soon to feel the consequences of the question of Palestine and the arrival of further waves of Palestinian refugees.

21. As from 1975, Lebanon experienced a series of armed conflicts fanned by external intervention. The Arab summits in Riyadh and Cairo (1976) decided to send an Arab Deterrent Force, soon to consist solely of Syrian forces, to Lebanon.

22. In 1978 the Israeli army invaded Southern Lebanon. Security Council resolution 425 (1978) of 19 March 1978 called for strict respect for the territorial integrity, sovereignty and political independence of Lebanon, for the withdrawal of the Israeli forces and decided to establish a United Nations interim force for Southern Lebanon.

23. In June 1982 Lebanese territory was again invaded by Israel. As a result the Security Council adopted resolution 509 (1982) of 6 June 1982, which demanded "that Israel withdraw all its military forces forthwith and unconditionally to the internationally recognized boundaries of Lebanon". Nevertheless, on 3 August 1982, Israeli forces entered the capital, Beirut.

24. In December 1983, between 3,000 and 4,000 armed members of the Palestine Liberation Organization left Lebanon by sea.

25. Further to non-ratification by the Government of Lebanon of the agreement of 17 May 1983 with Israel, the Israeli army withdrew from part of the territories it had occupied without coordinating its withdrawal with the Lebanese Army. Fighting broke out in the evacuated regions, massacres were committed, leading to the mass exodus of large numbers of the region's inhabitants.

26. On 22 October 1989 Lebanese deputies meeting in the town of Taif, in Saudi Arabia, adopted a National Entente which contained political, administrative, economic, social, educational and military provisions and instituted privileged relations with Syria.

27. The political structure of the Republic of Lebanon is described below.

28. There is a dual Executive, comprising the President of the Republic, and the President of the Council of Ministers and the ministers (30 at present). The President of the Republic is elected for six years by the Chamber of Deputies. The President bears no political responsibility. He may preside over meetings of the Council of Ministers but not vote. He promulgates laws, ratifies treaties with the agreement of the Head of Government, signs decrees which are countersigned by the Head of the Government and the relevant minister. He may, after having previously informed the Council of Ministers, return acts to the Chamber of Deputies for a second reading, and request the Council of Ministers to dissolve the Chamber if it fails to meet or if it rejects the budget outright.

29. The President of the Council of Ministers is appointed by the President of the Republic in consultation with the President of the Chamber of Deputies and subject to mandatory consultations with the deputies.

30. Executive authority is exercised on a collegiate basis by the Council of Ministers. Ministers may be appointed from among the deputies. The Government is politically accountable to the Chamber of Deputies. It may initiate legislation concurrently with the Chamber.

31. Legislative authority is exercised by a single chamber, the Chamber of Deputies, consisting of 128 members elected for four years by universal suffrage. The President and the Vice-President of the Chamber are also elected by the deputies for a four-year term.

32. The Judiciary is independent. It comprises lower courts, Courts of Appeal and a Court of Cassation (civil and criminal divisions). An independent Council of State considers appeals for the annulment of unlawful administrative acts and appeals involving the liability of the State.

33. There is also a Parliamentary Court of Justice. Its role is to try presidents and ministers.

34. A Constitutional Council is currently being established, pursuant to the constitutional amendment of 21 September 1990 (art. 19).

C. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

35. Treaties which have been duly ratified by Lebanon become legally binding under domestic law through the exchange of the instruments of ratification (in the case of bilateral treaties) or through the deposit of the instruments of ratification or accession (in the case of multilateral treaties). No further procedure is required under domestic law. Those provisions of the treaties that are sufficiently specific and precise will thus become immediately applicable. In the case of provisions that require legislative measures or regulations, the Lebanese State is required to adopt the requisite measures.

36. On 3 November 1972 Lebanon deposited instruments of accession to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights. As a result it is required to adopt the legislative measures and regulations, together with such practical measures as the Covenants require.

37. The authorities with jurisdiction in respect of human rights are the following: The Chamber of Deputies; the Council of Ministers; the Ministries of Justice, the Interior, Health, Social Welfare, Labour, Education, Youth and Sport, Culture and Higher Education, the Environment, Information, Housing and Cooperatives, Displaced Persons; the National Social Security Fund; Municipal Councils; the Department of Public Prosecutions (Procurator-General to the Court of Cassation); the Council of State; the Constitutional Council (currently being established), and the Economic and Social Council, whose establishment is provided for in the Taif agreement (National Entente).

38. Anyone who claims that his rights have been violated may appeal to the civil or criminal courts, as appropriate. If the violation is attributable to the State or its agents, individuals may apply for administrative remedy to the minister concerned, or appeal to the Council of State for the annulment of the decision or for redress. They may also apply to a deputy, who will intercede in so far as he is entitled to.

39. If the violation is attributable to an unconstitutional act, it is possible to file an action of unconstitutionality, in conformity with article 19 of the Constitution, as amended by Constitutional Act No. 18 of 21 September 1990, through the President of the Republic, the President of the Chamber of Deputies, the President of the Council of Ministers or 10 deputies. Similarly, leaders of the religious communities recognized by the law may refer to the Constitutional Council any matters of personal law, religious and cultural freedom and freedom of religious education.

PART TWO

SPECIFIC RIGHTS

Article 6

40. With regard to employment and unemployment, as noted in the first part of this report the overall rate of unemployment is 23 per cent. It is 38 per cent among men and 9 per cent among women. However, more detailed statistics are not available.

41. The physically handicapped and displaced persons are particularly vulnerable to unemployment. Two problems need to be mentioned: the tens of thousands of people (75 per cent of them young men and 20 per cent of them young women) who have become physically handicapped as a result of the armed conflicts, and the fact that, for the same reasons, 20 per cent of the population are displaced persons, some of them farmers who lost their farms 10 years ago.

42. The issue of the handicapped and of displaced persons is high on the Government's agenda (presented to the Chamber of Deputies on 9 November 1992). The right of the handicapped to protection and rehabilitation has been recognized, and has entailed the recent establishment of a Ministry of Social Welfare.

43. The return of displaced persons to their homes was already stipulated in the National Entente (22 October 1989). A Ministry for Displaced Persons has recently been established in conformity with the Government's programme. Resettlement in the villages of origin is hampered by the problem of reconstruction, but it is gradually going ahead and enabling them to take up their former occupation, particularly in agriculture.

Article 7

44. There is a Cost of Living Commission in Lebanon (Decree No. 4206 of 8 August 1981) comprising representatives of the State, employers and the General Confederation of Workers. The index is fixed on the basis of

field surveys, and overall wage increases are decided by the State after negotiations between representatives of employers, employees and the State.

45. Collective wage agreements are also in force (law implemented by Decree No. 17386 of 2 September 1964). The best-known agreements are those in the banking sector.

46. The pay scales of civil servants are determined by law. The law is periodically amended in order to avoid disparities with the private sector.

47. The minimum wage is fixed by a decree published in the Journal Officiel (the most recent is Decree No. 2668, of 15 September 1992). It applies to all private-sector employees.

48. Equality between individuals is enshrined in article 7 of the Constitution. As wage- or salary-scales in public offices and large firms are fixed by statute, there is no discrimination between men and women. Again, no significant discrimination between the two sexes has been reported elsewhere. The same applies to working conditions.

49. Minimum safety and hygiene requirements are determined by regulations (Decree No. 6341 of 24 October 1951, implementing articles 61 to 65 of the Labour Code). The regulations are supplemented by more detailed sectoral regulations concerning, for example, work in print shops (Order No. 10 of 25 January 1956), on construction sites (Decree No. 7380 of 22 May 1967) or in flour-mills (Order No. 384/1 of 5 August 1966). The implementation of these standards is strictly monitored. In addition, the Ministry of Health has an Industrial Diseases and Industrial Medicine Department.

Article 8

50. Lebanon has a large number of trade unions freely established under the Labour Code and under Decree No. 7993 of 3 April 1952. They hold free and regular elections. The trade unions form a General Confederation of Workers. Two bills on the reorganization of trade unions, one submitted by the Ministry of Labour and the other by the General Confederation of Workers, are currently being examined.

51. It should none the less be mentioned that the law prohibits civil servants from setting up unions.

Article 9

52. The social security regime, which was established in 1963, provides sickness-maternity insurance benefits, accident insurance, employment injuries and sickness benefits, family allowances and separation benefits.

Article 10

53. Protection and assistance to the family are currently provided by the religious communities and by associations, which in turn receive subsidies from the State.

54. Legal protection is ensured by the regulations governing personal and family law. The Lebanese Penal Code contains a chapter (title VI, chapter 2) on offences against the family, and punishes marital offences, offences against family morals, offences against children and in connection with their filiation status, violations of custody of a minor, abandoning children or incompetent persons and abandoning the family.

55. There are dispensaries in each district as well as a scheme under which people may be hospitalized free of charge in private hospitals, which are reimbursed by the Government, or in government hospitals.

56. The Ministry of Health also has a Mother and Child Protection Centre. The Labour Code (art. 26) and the Civil Service Regulations stipulate 40 days' maternity leave for pregnant women.

57. There are numerous centres in Lebanon that look after orphans or children who have been abandoned by or deprived of a family. They are funded by religious or lay Lebanese or international associations and by State subsidies.

58. In addition to the provisions of the Penal Code referred to above, chapter II of the Labour Code, entitled "The employment of children and women", prohibits the employment of children of either sex under the age of 13 in the mechanical engineering industries and in the tasks specified in annexes 1 and 2 of the Act; it also strictly prohibits the employment of children under 8 years of age (art. 22). The employment of adolescents is subject to regulations.

59. One illustration of the protection afforded to young people is article 61 of the Labour Code, which prohibits anyone in a position of authority over workers or employees from allowing alcoholic beverages to be introduced into their premises for consumption by the personnel at the workplace or from allowing inebriated persons to enter or remain in places of work.

60. These provisions supplement title VII of the Labour Code, entitled "Offences against good behaviour and public morality", (indecent behaviour, indecent acts, incitement to immoral behaviour, prostitution of minors) which are strictly enforced by the Department of Public Prosecutions.

Article 11

61. The minimum monthly wage is the equivalent of US$ 68. The average monthly wage is estimated at US$ 132, while the General Confederation of Workers estimates the monthly requirement of a family of five persons at approximately US$ 800.

62. Per capita gross national product is US$ 2,150 (figure for 1987, UNICEF statistics 1992).

63. There are no cases of hunger or malnutrition.

64. There are no homeless persons or families. However, a high proportion of persons are badly housed, especially as a result of the armed conflicts and huge destruction of housing. (Half the displaced persons, or 10 per cent of the population, live in makeshift dwellings). The average number of persons per dwelling was 5.6 in 1980 (ESCWA, 1982).

Article 12

65. No documents are available concerning national health policy. The Government's programme provides for the adoption of a modern health system, the strengthening of primary health care and prevention and the improvement of government and private hospital services. In addition, the Ministry of Health receives assistance from the World Health Organization. The Ministry of the Environment was recently established under the Government's programme.

66. The infant mortality rate is 35 per thousand (UNICEF, 1990, Beirut).

67. The percentage of the population with access to clean water was 93 per cent in 1988-1990; 95 per cent in towns and 85 per cent in rural areas (Human Development Report 1992, UNDP).

68. The percentage of children aged under 12 months who have been vaccinated is as follows: tuberculosis 4 per cent; measles 5.8 per cent; polio 85 per cent.

69. Life expectancy at birth is 67 years (65 for men and 69 for women).

70. There is on average 1 doctor per 1,010 inhabitants and 1 nurse per 2,030 inhabitants (World Development Report 1991, World Bank).

71. A total of 45 per cent of births involve the assistance of qualified medical personnel (statistics for 1984, UNICEF, 1988).

72. Again, care by qualified personnel is available to 45 per cent of infants.

Articles 13 and 14

73. Primary education is free and available to all Lebanese of either sex in a network of schools located throughout the country, with qualified teachers falling under the authority of the Ministry of Education, Youth and Sport.

74. In addition, a law making primary education compulsory is currently being drawn up by the Chamber of Deputies.

75. A network of establishments which also come under the responsibility of the Ministry of Education provides Lebanese of either sex with free secondary education from qualified teachers. However, there is no law stipulating that secondary education is compulsory.

76. Both the National Agreement and the Government's programme drew attention to the importance of improving education and training. The Ministry of Technical and Vocational Training was established recently.

77. As mentioned in the first part of this report, the adult literacy rate is 80 per cent: 87.8 among men and 73.1 among women (statistics for 1990, UNESCO, 1991).

78. There are numerous private establishments that provide evening classes for the working population.

79. In 1988 the school attendance rate between the ages of 4 and 23 was 75 per cent nationwide (1991, UNESCO).

80. Free primary, supplementary, secondary and university education is provided by the Ministry of Education, Youth and Sport, the Ministry of Technical and Vocational Training and the Lebanese University.

81. Private fee-paying education is also available at all levels. There are also more than seven private universities.

Article 15

82. The first part of the National Entente referred to earlier states that balanced regional development in the cultural, social and economic spheres is the cornerstone of national unity and stability. In the first part, relating to education and teaching, the Entente reaffirms freedom of education and protection for private education. In addition, the Lebanese Constitution enunciates respect for public freedoms, and in particular freedom of opinion and belief, social justice and equality among citizens (preamble, amendment of 21 September 1990). Article 10 also provides for freedom of education and the right of the religious communities to their private schools. Finally, article 13 affirms freedom of opinion, freedom of the press, freedom of assembly and freedom to establish associations.

83. On 1 June 1960, Lebanon ratified the Convention for the Protection of Cultural Property in the Event of Armed Conflict and Regulations for the Execution of the said Convention, together with the relevant Protocol, drawn up at The Hague on 14 May 1954.

84. On 3 February 1983, it also ratified the Convention concerning the Protection of the World Cultural and Natural Heritage, signed at Paris on 16 November 1972.

85. On 8 November 1990, it ratified the Convention on Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, signed at Paris on 14 November 1970.

86. Practical measures have been adopted to implement these Conventions, in particular legal proceedings against those who traffic in cultural property. In particular, UNESCO has declared the remains of the town of Tyr to be part of the World Heritage.

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Addendum

KENYA

[2 August 1993]

I. LEGAL FRAMEWORK FOR KENYA'S IMPLEMENTATION OF THE COVENANT

1. The International Covenant on Economic, Social and Cultural Rights entered into force for Kenya in January 1976. The provisions of various Acts of Parliament constitute the legal framework within which the rights recognized in the Covenant are implemented in Kenya. These legislative enactments include the following:

2. The Constitution. As the basic law of the land, the Constitution of Kenya is the foundation not only of the rights recognized in the Covenant, but also of all the rights and freedoms of the individual recognized by both international and municipal law. Chapter V of the Constitution provides for the protection of the fundamental rights and freedoms of the individual without which the rights envisaged in the Covenant would not be realized for the benefit of the individual.

3. For article 6 (the right to work):

(a) The Employment Act (Cap. 226);

(b) The Industrial Training Act (Cap. 237) - makes provision for the regulation of training of persons engaged in industry.

4. For article 7 (the right to favourable conditions of work):

(a) The Regulation of Wages and Conditions of Employment Act (Cap. 229) provides for the establishment of Wages Advisory Boards and Wages Councils for the regulation of remuneration and conditions of employment;

(b) The Radiation Protection Act (Cap. 243) makes provision for the protection of the public and radiation workers from the dangers arising from the use of devices or material capable of producing ionizing radiation;

(c) The Factories Act (Cap. 514) makes provision for the health, safety and welfare of persons employed in factories and other places;

(d) The Workman's Compensation Act (Cap. 236) makes provision for compensation to workmen for injuries suffered in the course of their employment.

5. For article 8 (the right to organize):

(a) The Trade Unions Act (Cap. 233) makes provision of employees' associations and organizations and for the registration and control of trade unions;

(b) The Trade Disputes Act (Cap. 234) makes provision for:

(i) Settlement of trade disputes generally;

(ii) Settlement of trade disputes in essential services;

(iii) Establishment of Boards of Inquiry and an Industrial Court;

(iv) Control and regulation of strikes and lockouts.

6. For article 9 (the right to social security):

(a) The National Social Security Fund Act (Cap. 258) establishes a National Social Security Fund and makes provision for contributions to and payment of benefits out of the Fund;

(b) The National Hospital Insurance Act (Cap. 255) establishes a National Hospital Insurance Fund and a National Hospital (Voluntary) Insurance Fund and provides for contributions to and the payment of benefits out of those Funds;

(c) The Local Authorities Provident Fund Act (Cap. 272) establishes a Provident Fund for certain employees of local authorities and provides for contributions to the Fund by the said employees and authorities and the administration of the Fund by a Local Authorities Provident Fund Board;

(d) The Provident Fund Act (Cap. 191) establishes a Provident Fund for certain employees of the Government and makes provision for contribution to the Fund by those employees and by the Government.

7. For article 10 (protection of the family, women and children):

(a) Children and Young Persons Act (Cap. 141) makes provision for the protection and discipline of children, juveniles and young persons;

(b) The Adoption Act (Cap. 143) makes provision for:

(i) The making and registration of adoption orders;

(ii) Regulation of arrangements for the adoption of children;

(iii) Restricting payments in connection with the adoption of children;

(c) The Guardianship of Infants Act (Cap. 144) makes provision for the guardianship and custody of infants;

(d) The Employment Act (Cap. 226) provides for maternity leave with full pay (Sect. 7 (2)).

8. For article 11 (the right to food, clothing and housing):

(a) The Housing Act (Cap. 117) provides for loans and grants of public money for the construction of dwellings and establishes a Housing Fund and a Housing Board;

(b) The Public Health Act (Cap. 242) makes provision for securing and maintaining public health;

(c) The Agriculture Act (Cap. 318) promotes and maintains a stable agriculture;

(d) The Crop Production and Livestock Act (Cap. 321) makes provision for the control and improvement of crop production and livestock, and the marketing and processing thereof.

9. For article 12 (the right to good health):

(a) The Public Health Act (Cap. 242) secures and maintains public health;

(b) The Factories Act (Cap. 514);

(c) The National Hospital Insurance Act (Cap. 225).

10. For articles 13 and 14 (the right to education):

(a) The Education Act (Cap. 211) provides for the regulation and progressive development of education;

(b) The Higher Education Loans Fund Act (Cap. 213) provides for the establishment and management of a fund to be used for making loans to assist students to obtain higher education at institutions within and outside Kenya;

(c) The Board of Adult Education Act (Cap. 223) establishes a Board of Adult Education to coordinate and promote activities in adult education in Kenya.

11. For article 15 (the right to cultural life and benefits of science):

(a) The Kenya Cultural Centre Act (Cap. 218) incorporates the Kenya Cultural Centre which provides for, among other things,

(i) The performance of music, drama and dancing, without any discrimination and for the exhibition of works of art and craft;

(ii) The holding of meetings to discuss matters of literary, historical, scientific or educational interest or importance;

(b) The Science and Technology Act (Cap. 250) establishes:

(i) A National Council for Science and Technology;

(ii) Advisory research committees;

(iii) Research Institutes.

II. MEASURES TAKEN BY THE GOVERNMENT TO PROMOTE THE ENJOYMENT OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Introduction

12. The improvement of the welfare of Kenyans is the priority responsibility of the Government. Since independence, the Government has endeavoured to promote political equality, religious freedom, social justice, freedom from ignorance, want and disease, human dignity including freedom of conscience and equal opportunity for all citizens.

13. The Government has provided essential services and basic needs such as education, health care, security, law and order, food and nutrition, water, shelter, etc. By ensuring peace and political stability, the Government has enabled Kenyans to help themselves individually and collectively thus improving their standard of living. The considerable progress achieved is also attributable to the pragmatic approach that has characterized the Government's policy formulation and implementation process.

14. This is reflected in the key policy documents that have provided the framework for our development strategy. These include Sessional Paper No. 10 of 1965 on African socialism and its application to planning in Kenya, the District Focus for Rural Development Strategy and Sessional Paper No. I of 1986 on economic management for renewed growth, which have been the basis for our development plans. These policies have gradually transformed the country from a largely rural economy based primarily on subsistence agriculture with a modicum of industrial and commercial activity at the time of independence to a mixed economy where the Government and the private sector both play an

important role to ensure a high rate of growth of incomes and equitable distribution thereof and also where indigenous Kenyans and non-nationals are free to participate in productive activities.

A. Food and nutrition

15. The objective of food security and self-sufficiency is paramount. Since independence production of major food items in Kenya has grown considerably even though in some cases, it has failed to keep pace with population growth. Various nutrition surveys have revealed that on average, both rural and urban populations receive adequate nutrients from the food they consume. This means that the acute malnutrition which was prevalent at independence is no longer a national problem.

16. The Government has established a Food and Nutrition Planning Unit whose major task is policy formulation, training and intervention programmes, assessment of nutritional impacts of agriculture and rural development projects, assessment of the nutritional status of target communities, establishment of a network for information exchange between the countries in the eastern and southern African region and the rest of the world.

17. The Government has also established a Drought Contingency Planning and Monitoring Mechanism capable of giving advance warning on impending difficulties in availability of food both at national and regional levels. This is in response to the frequent droughts that have occasionally threatened the nation's ability to feed itself, thereby necessitating the importation of food.

Constraints

18. There are many families who do not have sufficient food or those in which nutrient intake is below the required standard. In the case of the former, the problem is largely due to poverty. The problem of nutritional deficiency could be due to poverty or other contributory factors such as eating habits and poor environmental sanitation.

19. The increasing cost of agricultural inputs and prices of foodstuffs in general due to the effects of the implementation of the Structural Adjustment Programme has also affected the supply of food, especially in the rural areas.

B. Shelter

20. The Government's objective is to provide adequate shelter for all, both in rural and urban areas. The Government encourages cooperative housing schemes, mortgage lending and institutional housing programmes. The Government also provides housing for civil servants through the "pool housing" system in urban areas.

21. Within the public sector, housing development is organized through the Ministry of Public Works and Housing, the National Housing Corporation (NHC) and local authorities. The Government has also been involved in urban housing development jointly with foreign donor assistance.

22. The Government, by restricting its borrowing from the financial system, has enabled an increase in the pool of funds for housing finance institutions to be committed to housing development. The Government has allowed such institutions easier access to pension funds. It is also encouraging the development of a capital market where it will be possible to generate a secondary mortgage market through which financial assets can be bought and sold between investors.

Constraints

23. The rapid growth in the urban population has increased the demand for housing, which far outstrips supply. At the same time, the scarcity of land in urban areas is contributing to the increasing costs. This has adversely affected the initiative on the part of individuals and private developers to invest more in housing. The obvious result is inadequate housing for the middle- and low-income groups as well as the poor people. This has also contributed to the creation of slums.

24. The Government is in the process of reviewing a number of regulations and building codes which have become a major obstacle to rapid housing development in the country.

C. Health

25. Kenya has achieved tremendous progress in the provision of health for all. The Government's efforts in this field have focused on increasing coverage and accessibility of health services, particularly in the rural areas, improving the curative, preventive and promotional aspects of health care, training of medical and paramedical personnel, etc. As a result, life expectancy today is above 55 years compared to 40 years at independence. Infant mortality has dropped by more than 30 per cent.

26. The Government pays special attention to maternal and child health care. In this regard, a child survival programme has been established. This programme covers pre-natal and post-natal health care. In the case of the latter, infant immunization, education on the proper use of oral rehydration salts and nutrition monitoring are emphasized. A specific intervention programme is also in place to cater for high-risk target groups. Family planning methods to help in child spacing and improve the health of mothers and their offspring are also included in the programme.

27. The Government also runs a health insurance programme for civil servants. This is managed through the National Hospital Insurance Fund (NHIF). The scheme has been beneficial to Kenyans in the public service but there are shortcomings due to low contributions and daily rates which can no longer cover the cost of hospitalization. Moreover, its coverage in rural areas is minimal. In addition to the insurance scheme the Government maintains an ex-gratia payment scheme for in-patients.

28. The Government has expanded its efforts in the area of environmental health. The focus of its attention is supply of clean water and sanitation, protection from environmental pollution and food contamination, control of

vector-borne diseases, especially malaria, bilharzia and sleeping sickness, control of sexually transmitted diseases, particularly AIDS which has assumed serious proportions and is most dangerous since as yet it has no known cure.

29. In the area of traditional medicine, it is recognized that a large number of Kenyans continue to depend on traditional medicine for their cure. However, because of lack of information on its effectiveness, drug quality and safety, traditional medicine and its potential contribution to health has been viewed with a lot of scepticism. The Government has, however, encouraged the formation of professional associations for traditional medicine practitioners to facilitate getting necessary information to increase the general awareness of the effectiveness of this form of medicine and possibly make it become part and parcel of formal medical research and the primary health care programme.

30. The provision of health services has largely been the responsibility of the public sector. Because of the increasing financial burden, the Government is in the process of reviewing its strategy in this sector. While the Government will continue in its efforts to promote health awareness, it is reordering its priorities between the promotive, preventive, curative and rehabilitative aspects of health care. The Government is also encouraging a greater role to be played by the community through private sector, self-help and non-governmental organizations to complement its efforts. The Government is also laying emphasis in the integration of basic services such as education, training, water and sanitation and distribution of basic foodstuffs by other Government ministries and agencies into the overall health strategy.

Constraints

31. The provision of health services is still inadequate in the country. The main reason is the pressure on public sector financial resources not only for expanding health services and facilities but also to respond to the increasing demands for the large population growth rate. This has meant that serious underfunding in certain key areas is inevitable and has reduced the efficiency of the health care delivery system.

32. Difficult geographical conditions and low community participation in some areas, especially the arid and semi-arid areas, has led to inequitable distribution of health services.

33. There is a shortage of manpower and management expertise for running the health services, along with a lack of proper public information and education on primary health care.

D. Education

34. The Government is committed to providing equal educational opportunities for all through the provision of free primary education and the production of skilled manpower to meet the growing and changing demands of the country.

35. Since independence, Kenya has witnessed a rapid growth in the number of schools and in the level of enrolment. There has also been a considerable improvement in the sex ratio in school enrolment. The ratio of boys to girls in primary schools is today at par. This is mainly due to the large

government expenditure and the elimination of discrimination in the education system. The high demand from Kenyans for education has also been a contributory factor.

36. The Government also encourages adult education as part of its campaign to eradicate illiteracy and to provide knowledge, skills and attitudes needed to participate more meaningfully in society.

37. Because of the increasing claim of the education sector on national resources, the Government has introduced cost-sharing to ease the burden on the budget. While the Government will continue to finance general administration and professional services, parents and beneficiaries of education and training will be expected to take up costs relating to development and provision of education facilities, equipment and personnel.

Constraints

38. The most critical issue facing this sector is the financing of education from the public sector. Over 35 per cent of the total public sector recurrent budget is taken up by this sector. This figures approaches 40 per cent of training activities of youth polytechnics, the National Youth Service, the Directorate of Industrial Training and the Directorate of Personnel Training are taken into account.

39. The demand for education is so high in Kenya that facilities and staff are overstretched. This is a matter of great concern to the Government.

40. In some nomadic areas the Government is having to put extra effort to encourage children to go to school.

E. Employment

41. The need to create employment opportunities for all Kenyans is a priority of the Government. The Government has taken several steps to address this issue. In 1973 the Government published Sessional Paper No. 10 of 1973 on employment following a study undertaken jointly with ILO and UNDP. This was updated in 1985 whereby the problem of employment was put in its long-term perspective. Despite the Government's effort to alleviate unemployment, it remains a serious problem. The level at which jobs can be created depends on the rate of economic growth and development. This in turn is partly affected by external factors such as world recession, inflation and contraction in the inflow of external investable resources.

42. The Government recognizes that rapid growth and hence employment expansion still largely depends on internal factors. Government measures are therefore aimed at providing incentives for increased investments in the economy to generate employment opportunities. In the rural areas, the emphasis is on increased productivity through provision of credit. In the urban areas, emphasis is on existing capacity to raise productivity. The Government is also encouraging growth in the informal sector as well as self-employment by promoting the use of appropriate technology and expansion of marketing opportunities for the sector.

43. Since independence, the public sector remained the largest employer. However, because of budgetary constraints and also in order to make the public service lean and efficient, the Government is in the process of slowing down the rate of employment in this sector.

Constraints

44. The biggest constraint in the generation of employment opportunities is the population explosion. The rapid growth of the population, now estimated at 27.2 million, has had implications for the Government's ability to provide basic needs in the short run, while in the long run it has meant heavy pressures on the economy which are likely to induce major structural and social changes.

45. The overall performance of the economy is also a major constraint. In recent years, the Kenyan economy, like that of the rest of sub-Saharan Africa, has performed poorly. Economic growth has lagged behind population growth.

F. Women and development

46. The Government recognizes the important role of women in Kenyan society, particularly their role as agricultural producers and suppliers of welfare services at the household and community levels.

47. The Government has been working towards the restoration of women in their active role, not only in the development of the economy but also in the ownership and control of wealth arising from the production process.

48. Women's quality of life, as measured by such indicators as education, health, urbanization, employment and income, has improved considerably since independence.

Constraints

49. Several factors continue to prevent women from upgrading their situation to prominent well-paying positions with better working conditions. These include cultural attitudes among some communities which discriminate against women. The dropout rate for girls from schools resulting from social or biological factors also remains a problem.

G. Culture

50. The Government has taken measures that will enhance the preservation and development of Kenyan culture through the following programmes:

(a) Cultural centres to act as focal points for cultural expression, especially in rural areas;

(b) Development and promotion of Kiswahili as a national language;

(c) Maintenance of the role of elders in public decision-making in such matters as land, marital relations and extended family relationships;

(d) Intercultural exposure through educational material;

(e) Promotion of national culture through songs, dance, mime, oral and printed traditional literature;

(f) Preservation of monuments, structures of cultural interest and expansion of museums in each provincial centre;

(g) Promotion of Kenyan authorship and publishing, etc.

Constraints

51. The rapid cultural and social transformations in Kenya have had diverse impacts on Kenyan society. Acceptance of modern living standards, interaction with the outside world through the various media and through tourism and technological innovations have inevitably led to the abandonment of some facets of our most cherished cultural heritage, sometimes leading to serious social dislocations; for instance, the spirit of African socialism and attendant mutual social responsibility is threatened by increasing individualism and self-centredness.

52. In 1992, Kenya experienced events of historic importance. Dramatic political reforms resulted in the reintroduction of multi-party politics. Economic reforms led to the further liberalization of the economy across the board. While no one doubts the benefits of these reforms in the long run, in the short run they have been accompanied by political, social and economic uncertainty which has had an adverse effect on the country in general.

53. The Government is, however, committed to the protection of the general welfare of Kenyans and especially the disadvantaged such as the poor, the disabled, women, children and other vulnerable groups. The Government has, therefore, devised programmes and strategies covering the priority areas of food, security, water, energy, health and basic education to counteract the adverse effects and to provide safety nets for these vulnerable groups.